

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

CHRISTOPHER B. JULIAN, ET AL.,	)	
	)	
Plaintiffs,	)	Case No. 4:13-cv-00054
	)	
v.	)	<b><u>ORDER</u></b>
	)	
JAMES RIGNEY, ET AL.,	)	By: Jackson L. Kiser
	)	Senior United States District Judge
Defendants.	)	

Plaintiffs Christopher B. Julian and Renee G. Julian (“Plaintiffs”) applied for and were denied a Farm Ownership loan through the Farm Service Agency (“FSA”) of the U.S. Department of Agriculture (“USDA”). As a result of the denial, Plaintiffs, proceeding *pro se* and *in forma pauperis*, filed suit in this Court against the USDA, seven federal employees, and one state employee. On October 18, 2013, state employee Wanda Johnson filed a Motion to Dismiss [ECF No. 16]. Plaintiffs filed a Motion for Partial Summary Judgment on January 6, 2014 [ECF No. 27], and the remaining Federal Defendants collectively filed a Motion to Dismiss on January 14, 2014 [ECF No. 28]. On February 25, 2014, I heard oral arguments from all sides, outlining their respective positions on the facts, law, and agency record before the Court. Having thoroughly reviewed the record and arguments of counsel, the matter is now ripe for decision.

For the reasons stated in the accompanying Memorandum Opinion, I find that Plaintiffs fail to state a claim for a violation of procedural or substantive due process. The Eleventh Amendment entitles Defendant Johnson to immunity from suit for damages claims in her official capacity. Sovereign immunity entitles the USDA and individual Federal Defendants to immunity from suit for damages claims in their official capacities. Plaintiffs fail to allege that the individual Federal Defendants violated any clearly established statutory or constitutional

rights, or otherwise acted outside of the scope of their employment. Accordingly, the individual Federal Defendants are entitled to qualified immunity in their individual capacities. The request for judicial review of the final agency decision survives dismissal. Plaintiffs fail to establish that they are entitled to partial summary judgment.

Accordingly, I hereby **GRANT** Defendant Johnson's Motion to Dismiss, **DENY** Plaintiffs' Motion for Partial Summary Judgment, and **GRANT IN PART** and **DENY IN PART** Federal Defendants' Motion to Dismiss. Specifically, Federal Defendants' Motion to Dismiss is **DENIED** with respect to Plaintiffs' request for judicial review of the final agency decision, and **GRANTED** with respect to all other claims against the USDA, and all claims against the following employee-defendants, in any capacity: (1) James Rigney; (2) Ronald Kraszewski; (3) J. Calvin Parrish; (4) Jerry L. King; (5) Roger Klurfeld; (6) Christopher P. Beyerhelm; and (7) Barbara McLean. The USDA remains as the sole defendant, and the suit will proceed as an action for judicial review of the final decision of USDA National Appeals Division Director Roger Klurfeld.

The Clerk is directed to send a copy of this Order and accompanying Memorandum Opinion to Plaintiffs and all counsel of record.

Entered this 24<sup>th</sup> day of March, 2014.

s/Jackson L. Kiser  
SENIOR UNITED STATES DISTRICT JUDGE